

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

IN RE:]
ATHEAL PIERCE]
Debtor.]
ATHEAL PIERCE,]
Appellant,]
v.] Civil Action No. 2:05cv-1014-T
AMERICAN GENERAL FINANCE] *PIERCE FILED NOTICE OF APPEAL*
COMPANY,] *ATTACHED HERETO 9/26/05*
Appellee.] *FRAP 25 and 26*

**EMERGENCY MOTION FOR RELIEF FROM
OPINION and JUDGMENT dated 12-28-05**

Pierce states under penalty of perjury as follows:

1. The Opinion and Judgment dated the 28th day of December is wrong as it relates to the dated Pierce filed the notice of Appeal. Pierce filed the notice of appeal on the "Official Form 17" on the 26th day of September 2005.
2. Pierce filed the Notice of Appeal on the 26th day of September by using the drop box that is placed outside the federal courthouse. Examine the notice of appeal and you will discover that somebody affixed a bankruptcy stamp (wrong date stamp) in error .
3. The controlling law is cited at Federal Rules of Appellate Procedure 25 and 26. Filing and Service. The notice of appeal was duly filed with the federal court system on September 26, 2005. See a copy of the NOA filed attached hereto.

Wherefore, Pierce seeks relief from the final judgment and reinstatement of the case to the active trial docket. Respectfully submitted. Atheal Pierce

CERTIFICATE OF SERVICE

I hereby certify that I have this day mailed or placed in the U.S. mail, postage prepaid, an exact copy of the above pleading to the following parties, this the 7th day of January, 2006.

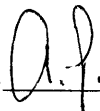
Honorable Charles Parnell
Post Office Box 2189
Montgomery, Alabama 36102

Hon. Teresa Jacobs
Bankruptcy Court Administrator
One Church Street
Montgomery, Alabama 36104

Honorable James E. Walker
Post Office Box 1682
Montgomery, Alabama 36102

Honorable Paul Pogue
1919 Minter Avenue
Selma, Alabama 36701

Honorable Curtis C. Reding
Post Office Box 173
Montgomery, Alabama 36101

A.P. 

Official Form 17
(12/02)RECEIVED
2005 SEP 26 P 10 33

United States Bankruptcy Court

Middle District Of AlabamaIn re _____
DebtorCase No. 05-31205Chapter 13*[Caption as in Form 16A, 16B, 16C, or 16D, as appropriate]*

NOTICE OF APPEAL

(Appellant) Atheal Pierce, the plaintiff *[or defendant or other party]* appeals under 28 U.S.C. § 158(a) or (b) from the judgment, order, or decree of the bankruptcy judge (describe) entered in this adversary proceeding *[or other proceeding, describe type]* on the 15th day of September 2005
(month) (year)

The names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their respective attorneys are as follows:

MR. Charles Parnell
P.O. Box 2189
Montgomery, AL 36102

US District Court
15 Lee Street
Montgomery, AL 36104

all interested
Parties Listed.

Dated: Sept 26, 2005

Signed:

Atheal Pierce

Attorney for Appellant (or Appellant, if not represented by an Attorney)

Attorney Name: _____

Address:

112 Knollwood Blvd.
Montgomery, AL 36117

Telephone No:

(334) 215-7525

If a Bankruptcy Appellate Panel Service is authorized to hear this appeal, each party has a right to have the appeal heard by the district court. The appellant may exercise this right only by filing a separate statement of election at the time of the filing of this notice of appeal. Any other party may elect, within the time provided in 28 U.S.C. § 158(c), to have the appeal heard by the district court.

If a child support creditor or its representative is the appellant, and if the child support creditor or its representative files the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.